

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2019 MAR 29 AM 10:10

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DEPUTY CLERK

GRISELLE GONZALEZ

VS.

CITIBANK, N.A.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

319 - CV 0779 - C

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to 15 U.S.C. § 1666 et seq, the Fair Credit Billing Act ("FCBA") and Regulation Z issued thereunder for which jurisdiction is proper in this Court. 15 U.S.C. § 1640(e) and 28 U.S.C. §§ 1331 and 1367 and state law claims supplemental thereto.

PARTIES

2. Plaintiff, Grisele Gonzalez is a natural person whose permanent address is in Dallas, Texas.

3. Defendant, Citibank (South Dakota) N.A., is a national banking association that does not have a business office in Texas and therefore no registered agent for service in Texas. Defendant may be served by service upon its President, CEO, or other officer, at 701 East 60th Street, North, Sioux Falls, South Dakota, 57104.

FACTUAL ALLEGATIONS

5. Plaintiff Grisele Gonzalez is a natural person who entered into an open-end credit transaction, namely a VISA account, with defendant for personal, family and household purposes.

6. At all times relevant hereto, Defendant Citi, in the ordinary course of business, regularly extended open-end consumer credit, pursuant to a VISA, on which defendant assessed finance charges.

7. On May 10, 2018, Plaintiff attended a free Internet Workshop in Dallas hosted by Russell Whitney.

8. At the May 10 event, Plaintiff was offered a 3-Day Training for \$497 which was scheduled to be held June 1-3, 2018 at the same hotel. Plaintiff purchased the 3-Day Training and

attended the event on those dates. Plaintiff does not dispute any charges for this event.

9. At the June event, Plaintiff was offered additional training where they introduced a Wealth Building Technologies package. The Wealth Builder Package included 10 eCommerce Websites, all built for you, Done-for-you Facebook ads, Done-for-you Swipe Ads, Done-for-you Follow up Emails, Access to the "Hot List" - list of the hottest products to market monthly, 24 coaching sessions and WBT's Coaching Team, Lifetime Access to WBT's Online Training Course, Unlimited Email, Phone and Skype support, Attend Three Live Mastermind Summits, plus added training on-site.

10. Plaintiff decided to purchase the whole package described in the previous paragraph, in addition to a One on One Mentorship and Product Intelligence 2.0. The total purchase price, purchased on June 2, 2018 was \$76,294.00 (including a 3% processing fee).

11. Plaintiff paid \$10,000 on June 2, 2018 on an existing credit card.

12. WBT offered financing for the purchase price for the program. The financing turned out to be submitting Plaintiff's application to several credit card companies and then spreading out the program fees on the several credit cards. One of the cards issued was a Citi card ending in 1049. WBT placed \$11,000 of the program charges on the Citi card.

13. Plaintiff received the services specified in the 3 day Training for which she paid \$497.

14. Plaintiff did not receive the services from the Wealth Builder package for which she paid a total of \$76,294.00.

15. Plaintiff was assigned a mentor, Angel Martinez, who was to work with her in providing the services under the WBT program.

16. Angel Martinez never contacted Plaintiff.

17. Plaintiff made many attempts to contact Angel Martinez, to no avail.

18. Out of the 24 Coaching sessions included in the WBT program, Plaintiff received three.

19. After the 3rd session, no further sessions were scheduled and no response was received to emails to either of the coaches nor to Angel Martinez.

20. Plaintiff received 1 of the 10 websites included in the WBT program.

21. Plaintiff was unable to access the website to receive the online training course from WBT because the website shut down.

22. Plaintiff continued to try to reach the coaches, Angel Martinez and any other person associated with the WBT program via email and Facebook.

23. Plaintiff finally heard from Angel Martinez that he no longer worked for WBT. She also heard from one of the coaches who claimed she no longer worked for WBT. Neither had any knowledge of current status of WBT.

24. On December 11, 2018, after exhausting all possible means to contact anyone associated with the WBT program, Plaintiff sent an email to info@wealthbuildingtechnologies.com to request a full refund. Plaintiff received a error email back stating: The email account that you tried does not exist.

25. Plaintiff called the phone number which was listed as their Corporate office numerous times but the phone was answered by another company who had no idea about WBT.

26. Plaintiff has exhausted all possibilities to resolve things with the merchant who received her funds for services not received by Plaintiff.

CAUSES OF ACTION

COUNT I

27. Plaintiff re-alleges and incorporates paragraphs 1 through 26 above as if fully set out herein.

28. Defendant has violated 12 C.F.R. pt. 1026.13 (a)(3) and 15 U. S.C. §1666(b)(3) by continuing to bill Plaintiff for services not delivered.

29. Defendant has violated 15 U.S. C. §§1666 and 1666i and applicable rules by the practices described in this Complaint.

30. The foregoing acts and omissions were undertaken on behalf of the Defendant by its

respective officers, agents, or employees acting at all times relevant hereto within the scope of that relationship.

COUNT II

31. Plaintiff re-alleges and incorporates paragraphs 1 through 30 above as if fully set out herein.

32. Defendant's actions and inactions, as described above, constitute a violation of 12 C.F.R. pt. 1026.13 by requiring notice to the merchant when notice is not required..

33. By reason of the allegations in this petition, per the Fair Credit Billing Act, Plaintiff is entitled to recover attorney's fees in a sum that is reasonable in relation to the amount of work expended for which Plaintiff sues herein. The attorney whose name is subscribed to this pleading has been employed to assist Plaintiff in the prosecution of this action.

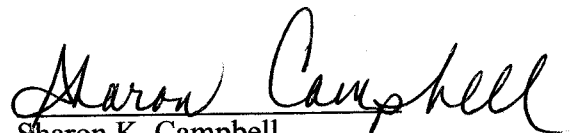
Prayer for Relief

WHEREFORE, the Plaintiff prays that this Court:

1. Declare that Defendant's actions violate the FCBA.
2. Enter judgment in favor of Plaintiff and against Defendant for statutory damages, actual damages, costs, and reasonable attorney fees as provided by 15 U.S.C. §1640(a)(2), 1666(e) and all applicable amendments.
3. Grant such further relief as deemed just.

TRIAL BY JURY IS DEMANDED.

Respectfully submitted,



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Sharon@SharonKCampbell.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Griselle Gonzalez

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Sharon K Campbell
3500 Oak Lawn Ave., Suite 205
Dallas, Texas 75219; 214-351-3260

DEFENDANTS

Citibank, N.A.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. 1666 Fair Credit Billing Act

Brief description of cause:

Failure to credit account for out of business merchant who provided no services

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 3-28-19

SIGNATURE OF ATTORNEY OF RECORD

Sharon Campbell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE